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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

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Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Sub-Commission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/1994/1.

3. At its thirty-eighth session, the Sub-Commission, by its decision 1985/109, decided to observe at the commencement of its future annual sessions, beginning with the thirty-ninth session, a minute of silence in honour of the victims of apartheid in South Africa.

4. Since 1985, the Sub-Commission has taken a number of decisions regarding the consideration, on a biennial basis, of certain agenda items (see resolutions 1985/34 and 1989/1 and decision 1988/104).

5. As a result of those decisions, the Sub-Commission considered the following items on a biennial basis:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Encouragement of universal acceptance of human rights instruments.

6. By its resolution 1993/22, the Sub-Commission decided to remain seized of the question of the human rights of disabled persons and to deal with it each year as sub-item (c) of the agenda item entitled "Promotion, protection and restoration of human rights at national, regional and international levels".

Organization of work

7. With regard to the question of the organization of work of the present session, the Sub-Commission may recall that paragraph 2 of rule 24 of the rules of procedure of the Economic and Social Council provides that, except for the regional commissions, the commissions and committees of the Council shall not create either standing or ad hoc inter-sessional subsidiary bodies without prior approval of the Council.

8. Three working groups were scheduled to meet prior to the forty-fifth session of the Sub-Commission: the Working Group on Communications (see annotations to item 9), the Working Group on Indigenous Populations (see annotations to item 15) and the Working Group on Contemporary Forms of Slavery (see annotations to item 16). The Working Group on Contemporary Forms of Slavery met from 25 April to 4 May 1994. The Working Group on Communications is scheduled to meet from 18 to 29 July 1994 and the Working Group on Indigenous Populations from 25 to 29 July 1994.

9. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. The Sub-Commission may wish to consider establishing such a working group at the present session.

10. At its forty-fifth session, the Sub-Commission, in its resolution 1993/4, decided to convene, during its forty-sixth session, a sessional working group to continue the study of its methods of work.

11. When considering its organization of work, the Sub-Commission may wish to take into account Commission resolution 1994/23, in which the Commission, inter alia,

(a) Reaffirmed that the Sub-Commission on Prevention of Discrimination and Protection of Minorities could best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

(b) Called upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

(c) Welcomed Sub-Commission resolution 1992/8 of 26 August 1992 and the guidelines annexed thereto and requested the Sub-Commission to implement fully those guidelines and to pay attention to the guidelines concerning the number of studies and to establish priorities relating to its work so as to avoid requesting the Commission's approval of more studies and similar activities than provided for in the guidelines;

(d) Reaffirmed that one of the tasks of the Sub-Commission was a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission;

(e) Requested the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, the specialized agencies and other such bodies for their views and comments to requests relating to those studies which have received prior explicit approval from the Commission;

(f) Invited the Sub-Commission to continue to give due regard to new developments in the field of human rights.

In the same resolution, the Commission invited its Chairman to inform the Sub-Commission on the debate in the Commission on the work of the Sub-Commission.

12. The Sub-Commission will also recall its decision 1990/122, by which it decided that draft resolutions and decisions should not be introduced by one of the sponsors, and urged members not to make general comments on the draft, but rather to offer only concrete proposals on the texts.

13. With regard to documentation, the attention of the Sub-Commission is drawn to Economic and Social Council resolution 1986/33, adopted upon the recommendation of the Commission contained in its resolution 1986/31, by which the Council requested the Sub-Commission henceforth to submit to the Commission, after a thorough examination, the studies and reports prepared by the special rapporteurs of the Sub-Commission with a brief written introductory statement by the special rapporteur, and to discontinue the practice of requesting special rapporteurs to introduce their reports personally to the Commission. The Council further requested the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that special rapporteurs responsible for preparing reports and studies were brief and concise and that their reports and studies, as far as possible, did not exceed 32 pages. The Council also decided that henceforth studies prepared by special rapporteurs of the Sub-Commission should be printed only following an express decision to that effect taken by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications. In this connection, reference should be made to Economic and Social Council resolution 1982/50 and the annex thereto, Commission resolutions 17 (XXXVII) of 10 March 1981, 1983/22, 1983/28, 1988/43, 1989/32 and 1991/56, as well as the instructions issued by the Secretary-General with respect to documentation for meetings (ST/SGB/184/Add.1 and ST/AI/189/Add.20/Rev.1).

Interpretation of rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council

14. At its forty-second session, the Sub-Commission decided to suspend temporarily rule 59 of the rules of procedure for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under agenda item 6 (decision 1990/105) and agenda item 9 (decision 1990/111).

15. At the same session, the Sub-Commission adopted resolution 1990/4, by which it recommended to the Commission the adoption of a draft resolution recommending that the Economic and Social Council should add the following footnote to rule 59 of the rules of procedure of its functional commissions:

> "It is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities will vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot."

16. At its forty-seventh session, the Commission, in its resolution 1991/81, recommended to the Council that it interpret rule 59 of the rules of procedure as follows: it is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities may vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot, when it so decides by a majority of its present and voting members. This recommendation was adopted by the Economic and Social Council at its first regular session of 1991, in its resolution 1991/32.

17. At its forty-fourth session, the Sub-Commission, by its decision 1992/105, decided, pursuant to Economic and Social Council resolution 1991/32, to vote on resolutions, decisions and any proposals of a substantive nature under agenda item 6 of its forty-fourth session by secret ballot, whenever a vote was requested thereon.

18. At its forty-fifth session, the Sub-Commission, by its decision 1993/106, decided to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

Item 3. Review of the work of the Sub-Commission

19. This item was first on the Sub-Commission's agenda at its thirty-fifth session, in accordance with its decision 2 (XXXIV) of 3 September 1981. Subsequently, the Economic and Social Council, by resolutions 1983/32 and 1986/35; the Commission, by resolutions 1983/21, 1983/22, 1984/60, 1985/28, 1986/37, 1986/38, 1987/35, 1988/43, 1989/36, 1990/64, 1991/56, 1992/66, 1993/28 and 1994/23 and decision 1986/102; and the Sub-Commission, by resolutions 1983/21, 1984/37, 1985/24 and 1992/8 and decisions 1990/101 and 1991/117, provided a number of general and specific directives and suggestions concerning the Sub-Commission's role and methods of work. In its resolutions 1991/56, 1992/66, 1993/28 and 1994/23, the Commission requested the Chairmen of the Sub-Commission to report to the Commission. The Chairmen of the Sub-Commission submitted their reports to the Commission at its forty-eighth (E/CN.4/1992/46), forty-ninth (E/CN.4/1993/60) and fiftieth (E/CN.4/1994/70) sessions.

20. At its forty-fourth session, the Sub-Commission, in its resolution 1992/8, having taken note of the report of the inter-sessional Working Group on the methods of work of the Sub-Commission established pursuant to Commission on Human Rights resolution 1992/66, decided to continue at its forty-fifth session consideration of those aspects of its methods of work which had not yet been discussed. The Sub-Commission also decided to annex to that resolution the document entitled "Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66".

21. The Commission on Human Rights, at its fiftieth session, adopted resolution 1994/23 entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities". In that resolution, the Commission, in addition to the points described in paragraph 11 above,

reiterated its invitation to the Sub-Commission to continue its consideration of ways in which its work should be improved, with a view to making recommendations, on the following points:

(a) Initiatives for a better coordination with the Commission;

(b) Proposals concerning the rationalization of the agenda, bearing in mind, inter alia, the relationship between the agenda of the Sub-Commission and that of the Commission;

(c) Initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation of a short summary of each completed study, the purpose being that the summaries of all studies completed during a session be published separately in various languages, for example in the Fact Sheet series of the Centre for Human Rights, thus contributing to better publicity for the studies.

22. At its forty-fifth session, the Sub-Commission, in its resolution 1993/4 decided to convene, during its forty-sixth session, a sessional working group to continue the study of its methods of work, with particular emphasis on the methods to be used and procedures to be followed under item 6 of the agenda concerning the violation of human rights and fundamental freedoms, as well as on the means to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Sub-Commission.

23. At its fiftieth session, the Commission also adopted decision 1994/103, entitled "Enhancing the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities". By this decision, the Commission decided to request the Sub-Commission to reconsider, without prejudice to the independence of the Sub-Commission and its members, its decisions to recommend the new studies and related efforts identified in draft decisions 1, 2, 4, 8 and 13 contained in the report of the Sub-Commission on its forty-fifth session (E/CN.4/1993/45-E/CN.4/1994/2). The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission at its fifty-first session, in so far as appropriate, in the light of the guidelines adopted by the Sub-Commission at its forty-fourth session concerning its methods of work (resolution 1992/8 of 26 August 1992), as well as the need for the Sub-Commission to improve its deliberative processes, to avoid overloading its agenda with materials that are not adequately discussed and to establish priorities in its work, in particular to leave adequate time and resources for the consideration of new developments in the field of human rights.

24. With respect to standard-setting activities, the Sub-Commission will recall Commission resolution 1987/24, in which the Commission invited the Sub-Commission, when engaged in developing international instruments in the field of human rights, to bear in mind the guidelines established in General Assembly resolution 41/120 of 4 December 1986. In that resolution, the Assembly urged Member States and United Nations bodies engaged in developing new international human rights standards to give due consideration in that work to the established international legal framework, and invited

Member States and United Nations bodies to bear in mind the following guidelines in developing international instruments in the field of human rights. Such instruments should, inter alia:

(a) Be consistent with the existing body of international human rights law;

(b) Be of fundamental character and derive from the inherent dignity and worth of the human person;

(c) Be sufficiently precise to give rise to identifiable and practicable rights and obligations;

(d) Provide, where appropriate, realistic and effective implementation machinery, including reporting systems;

(e) Attract broad international support.

Implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission

25. In its resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights, inter alia, requested the Sub-Commission to prepare, for the use of the Commission in its examination of that question, a report containing information on violations of human rights and fundamental freedoms from all available sources (para. 2). The Commission further invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories (para. 6).

26. At its fortieth session, the Commission decided to continue at its forty-first session the discussion of the various possibilities of implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission, without prejudice to the confidential procedure provided for in resolution 1503 (XLVIII) of the Economic and Social Council or other procedures instituted since the adoption of that resolution by the Council (decision 1988/104).

27. At its forty-first session, by its decision 1989/104, the Sub-Commission decided that, at the beginning of its forty-second session, it would establish a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission, to prepare an overview and an analysis of the suggestions and proposals which had been made in order to enable the Sub-Commission better to discharge its responsibilities in dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter. The Sub-Commission further decided to request the same sessional working group, in preparing the overview and analysis, to submit to the Sub-Commission its views and recommendations as to the possible advantages and disadvantages of the various suggestions and proposals referred to above, and to present its

findings in the light of the deliberations of the Sub-Commission at its forty-second session under the agenda item relating to the question of the violations of human rights and fundamental freedoms.

28. At its forty-second session, the Sub-Commission, in its decision 1990/125, took note of the report of its Working Group established pursuant to its decision 1989/104 (E/CN.4/Sub.2/1990/14) and decided that the Working Group should continue its work at the forty-third session of the Sub-Commission.

29. At its forty-third session, the Sub-Commission, by its decision 1991/101, decided to establish a sessional working group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII). By its decision 1991/117, the Sub-Commission decided to establish in 1992, on an exceptional basis, an inter-sessional working group which would have as its task the elaboration of proposals for the rationalization of the work and agenda of the Sub-Commission with regard to, inter alia, methods and means of dealing with violations of human rights.

30. At its forty-eighth session, the Commission, in its resolution 1992/66, reaffirmed that one of the tasks of the Sub-Commission was a thorough examination of information concerning alleged human rights violations, as well as the presentation of the research and the results of the examination to the Commission.

31. In its report (E/CN.4/Sub.2/1992/3), the inter-sessional Working Group on the methods of work of the Sub-Commission recommended to the Sub-Commission that it transmit to the sessional Working Group the document prepared by Mr. Chernichenko entitled "Draft proposal on the methods of consideration in the Sub-Commission of violations of human rights" (E/CN.4/Sub.2/1992/3/Add.1) which the inter-sessional Working Group had not been able to consider because of the limits to its terms of reference.

32. The sessional working group which the Sub-Commission decided, by its resolution 1993/4 to convene during its forty-sixth session will consider the methods to be used and procedures to be followed under item 6 of its agenda. The report of the working group will be contained in document E/CN.4/Sub.2/1994/3.

Question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)

33. At its forty-fifth session the Sub-Commission decided, by its decision 1993/104, to study the question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, including the possible abolition of that procedure, at its forty-sixth session, under item 3 of its provisional agenda, and requested the secretariat to prepare a working paper on the subject for consideration at that session and to obtain the opinion of the United Nations Legal Counsel on the interpretation to be given to paragraph 10 of resolution 1503 (XLVIII).

34. At the present session the Sub-Commission will have before it a working paper prepared by the secretariat (E/CN.4/Sub.2/1994/17).

Item 4. Review of further developments in fields with which the Sub-Commission has been concerned

35. This item has been regularly considered by the Sub-Commission since 1962, in conformity with resolution 5 (XIV). The Sub-Commission, at its forty-sixth session, will have before it a note by the Secretary-General containing a review of further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1994/4).

36. Under this item, the Sub-Commission has discussed recent activities of the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to matters dealt with by the Sub-Commission. The reports of ILO and UNESCO on their activities relating to these matters will be available in documents E/CN.4/Sub.2/1994/5 and E/CN.4/Sub.2/1994/6 respectively.

Traditional practices affecting the health of women and children

37. The Sub-Commission, at its thirty-sixth session, in resolution 1983/1, made recommendations concerning a study relating to traditional practices affecting the health of women and children. The Commission, for its part, in resolution 1984/48, recommended to the Economic and Social Council that a working group of experts should undertake such a study. The Council endorsed that recommendation (resolution 1984/34) and the report of the Working Group was presented to the Commission at its forty-second session, in 1986 (E/CN.4/1986/42). The Commission, in its resolution 1986/28, requested the Secretary-General to transmit the report to Governments, competent organizations and specialized agencies, drawing their attention to the recommendations contained therein. At its forty-fourth session, the Commission, in its resolution 1988/57, requested the Sub-Commission to consider measures to be taken at the national and international levels to eliminate such practices, and to submit a report to the Commission.

38. The Sub-Commission, at its fortieth session, in resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children, and to bring the results of her study to the attention of the Sub-Commission at its forty-first session.

39. At its forty-first session, in its resolution 1989/16, the Sub-Commission took note of Ms. Warzazi's preliminary report (E/CN.4/Sub.2/1989/42 and Add.1) and recommended to the Commission on Human Rights: that the mandate of the Special Rapporteur be extended for two years to enable her to present a more complete report; that field missions be undertaken by Ms. Warzazi, if possible to two countries where harmful traditional practices were prevalent; that international regional seminars be held on the subject of harmful traditional practices in Africa and Asia; and that the subject of traditional practices be maintained on the agenda of the Sub-Commission for sustained follow-up. The recommendations were endorsed by the Commission (decision 1990/109) and the Economic and Social Council (decision 1990/247).

40. At its forty-third session, the Sub-Commission, in its resolution 1991/23, having studied the final report of the Special Rapporteur (E/CN.4/Sub.2/1991/6), as well as the report of the regional seminar held in Burkina Faso from 29 April to 3 May 1991 (E/CN.4/Sub.2/1991/48), recommended that the subject of harmful traditional practices affecting the health of women and children be maintained on the agenda of the Sub-Commission in so far as they constituted violations of human rights within the meaning of the relevant instruments of the International Bill of Human Rights and many other international conventions, in particular the Convention on the Rights of the Child; and that the mandate of the Special Rapporteur be extended for two years to enable her to submit to the Sub-Commission at its forty-fifth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar which will take place in Asia. The recommendations were endorsed by the Commission (decision 1992/109) and the Economic and Social Council (decision 1992/251).

41. At its fiftieth session, the Commission, in its decision 1994/104, taking note of resolution 1993/33 of the Sub-Commission, endorsed the recommendation of the Sub-Commission that the mandate of the Special Rapporteur be extended for one year so as to enable her to submit to the Sub-Commission at its forty-sixth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar to be held in Sri Lanka from 4 to 8 July 1994.

42. At the present session, the Sub-Commission will have before it a report of the Special Rapporteur (E/CN.4/Sub.2/1994/10).

Question of the impunity of perpetrators of violations of human rights

43. By its decision 1991/110, the Sub-Commission, taking into account the interest shown at its forty-third session in the working paper on measures to be taken to combat the increasingly widespread practice of impunity for perpetrators of serious violations of human rights (E/CN.4/Sub.2/1991/WP.5), decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a working paper expanding and elaborating upon the above-mentioned paper, for consideration by the Sub-Commission at its forty-fourth session.

44. At its forty-fourth session, the Sub-Commission, in its resolution 1992/23, took note with satisfaction of the working paper prepared by Mr. Guissé and Mr. Joinet (E/CN.4/Sub.2/1992/18) and decided to request them to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scale of the phenomenon of impunity and to propose measures to combat that practice. This decision was endorsed by the Commission in its resolution 1993/43.

45. At its forty-fifth session, the Sub-Commission adopted resolution 1993/37, in which it welcomed the interim report (E/CN.4/Sub.2/1993/6) and requested Mr. Guissé and Mr. Joinet to submit a report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights at its forty-sixth session. The Sub-Commission also decided, having regard to the interdependence and indivisibility of civil and political rights and economic,

social and cultural rights, to request the Special Rapporteurs to continue their study on the second aspect of the question, concerning economic, social and cultural rights. The request and the decision were endorsed by the Commission by its resolution 1994/44.

46. At the present session, the Sub-Commission will have before it a preliminary report prepared by the two Special Rapporteurs (E/CN.4/Sub.2/1994/11).

Human rights and the environment

47. At its forty-second session, having considered the concise note of Ms. Fatma Zohra Ksentini on the subject (E/CN.4/Sub.2/1990/12), the Sub-Commission adopted resolution 1990/7, in which it entrusted Ms. Ksentini with the task of preparing a study on human rights and the environment and requested her to submit a preliminary report to the Sub-Commission at its forty-third session.

48. At its forty-third session, the Sub-Commission adopted resolution 1991/24, in which it requested the Special Rapporteur to prepare a progress report on human rights and the environment. The Commission endorsed this request of the Sub-Commission in its decision 1992/110.

49. At its forty-fourth session, the Sub-Commission, in resolution 1992/31, took note with appreciation of the progress report on human rights and the environment (E/CN.4/Sub.2/1992/7 and Add.1) submitted by Ms. Ksentini and requested the Special Rapporteur to continue her study on that subject taking into account, inter alia, the comments made at the forty-fourth session of the Sub-Commission on her preliminary (E/CN.4/Sub.2/1991/8) and progress reports, as well as developments in that field relevant to the study. The Special Rapporteur was also requested to submit to the Sub-Commission, at its forty-fifth session, a second progress report and to submit to the Sub-Commission, at its forty-sixth session, a final report which should include a set of conclusions and recommendations. The Commission, by its decision 1993/114, endorsed the Sub-Commission's request.

50. At its forty-fifth session, the Sub-Commission, having considered the second progress report of the Special Rapporteur (E/CN.4/Sub.2/1993/7), adopted resolution 1993/32, in which it requested the Special Rapporteur to submit to the Sub-Commission at its forty-sixth session a final report.

51. At its fiftieth session, the Commission on Human Rights adopted resolution 1994/65, in which it endorsed the request of the Sub-Commission to the Special Rapporteur to prepare a final report with conclusions and recommendations, including recommendations for the follow-up by the Commission of her work, and decided to continue its consideration of this question at its fifty-first session.

52. At its present session, the Sub-Commission will have before it the second progress report of the Special Rapporteur (E/CN.4/Sub.2/1994/9).

Compensation for victims of gross violations of human rights

53. The Sub-Commission, at its forty-first session, by its resolution 1989/13, entrusted Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account relevant existing international human rights norms on compensation and relevant decisions and views of international human rights organs, with a view to exploring the possibility of developing some basic principles and guidelines in this respect.

54. The Sub-Commission, at its forty-fourth session, by its resolution 1992/32, requested the Special Rapporteur to continue his study, taking into account, inter alia, the comments made in the discussion on the preliminary and progress reports (E/CN.4/Sub.2/1990/10, E/CN.4/Sub.2/1991/7 and E/CN.4/Sub.2/1992/8), and to submit to the Sub-Commission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms.

55. The Sub-Commission examined the final report of the Special Rapporteur (E/CN.4/Sub.2/1993/8) at its forty-fifth session and adopted resolution 1993/29 in which it decided to examine further the proposed basic principles and guidelines at its forty-sixth session and, to that end, requested the Secretary-General to submit the comments of Governments, intergovernmental organizations and non-governmental organizations thereon.

56. The Commission, at its fiftieth session, in its resolution 1994/35, recommended to the Sub-Commission to take measures to examine the proposed basic principles and guidelines with a view to making proposals thereon and to report to the Commission.

57. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1994/7).

Discrimination against HIV-infected people or people with AIDS

58. The Sub-Commission, by its decision 1988/111, decided to ask Mr. Luis Varela Quirós to prepare, for submission to the Sub-Commission at its forty-first session, a concise note setting forth methods by which such a study could be made.

59. The Commission, by its resolution 1989/11, invited the Sub-Commission to examine the possibility of extending the scope of such a study to other kinds of discrimination against sick or disabled persons, in consultation with WHO and giving Governments that wished to express their views the opportunity to do so.

60. At its forty-first session, the Sub-Commission entrusted Mr. Varela Quirós with a study of problems and causes of discrimination against HIV-infected people or people with AIDS. The Sub-Commission

recommended that the Special Rapporteur take into account Commission resolution 1989/11 and the issues and guidelines of the 1989 International Consultation on HIV/AIDS and Human Rights convened in Geneva.

61. At its forty-second session, the Sub-Commission, by its decision 1990/118, taking note of the preliminary report of the Special Rapporteur (E/CN/4/Sub.2/1990/9), decided to continue consideration of the progress report of the Special Rapporteur at its forty-third session.

62. At its forty-third session, in its decision 1991/109, the Sub-Commission, taking note of the progress report of the Special Rapporteur (E/CN.4/Sub.2/1991/10), decided to request him to submit his final report to the Sub-Commission at its forty-fourth session.

63. At its forty-fourth session, by its decision 1992/108, the Sub-Commission, taking note of the report of the Special Rapporteur (E/CN.4/Sub.2/1992/10) and taking into account the observations made by the Special Rapporteur, in particular concerning the material and submissions that he was unable to include in his report, decided to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-fifth session.

64. At its forty-fifth session, the Sub-Commission, in its resolution 1993/31, endorsed the conclusions and recommendations of the Special Rapporteur (E/CN.4/Sub.2/1993/9) and requested the Secretary-General to report to the Sub-Commission at its forty-sixth session on developments in the United Nations system following the adoption of World Health Assembly resolution WHA.46.37 of 14 May 1993 concerning the possibility of establishing a joint United Nations programme on HIV and AIDS.

65. The Commission on Human Rights, at its fiftieth session, adopted resolution 1994/49, in which it requested the Secretary-General to prepare for the consideration of the Commission at its forty-first session a report on international and domestic measures taken to protect human rights and prevent discrimination in the context of HIV/AIDS and to make appropriate recommendations thereon.

66. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1994/8).

Definition of gross and large-scale violations of human rights as an international crime

67. At its forty-fifth session, the Sub-Commission, in its resolution 1993/30, expressed its appreciation to Mr. Slanislav Chernichenko for the working paper on the definition of gross and large-scale violations of human rights as an international crime (E/CN.4/Sub.2/1993/10 and Corr.1); and decided to recommend to the Commission on Human Rights to appoint him as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime".

68. The Commission on Human Rights, at its fiftieth session, decided, by its decision 1994/103, to request the Sub-Commission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned report. The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission at its fifty-first session.

Declaration of Minimum Humanitarian Standards

69. At its forty-third session, the Sub-Commission adopted decision 1991/107, in which it noted with interest the working paper containing the Declaration of Minimum Humanitarian Standards, adopted by a meeting of experts convened by the Institute for Human Rights, Abo Akademi University, in Turku/Abo, Finland, from 30 November to 2 December 1990 (E/CN.4/Sub.2/1991/55), and decided to give due attention to the working paper in its future work.

Item 5. Elimination of racial discrimination

Sub-item (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

70. The Sub-Commission decided to include this item in its agenda at its thirty-first session, in 1978, and the item has since remained on its agenda.

71. In the Vienna Declaration and Programme of Action, the World Conference on Human Rights considered the elimination of racism and racial discrimination, in particular in their institutionalized forms such as apartheid or resulting from doctrines of racial superiority or exclusivity or contemporary forms and manifestations of racism as a primary objective for the international community and a world-wide promotion programme in the field of human rights. United Nations organs and agencies should strengthen their efforts to implement such a programme of action related to the Third Decade to Combat Racism and Racial Discrimination as well as subsequent mandates to the same end.

72. The General Assembly, at its forty-eighth session, adopted resolution 48/91 on 20 December 1993, in which it proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted a Programme of Action for the Third Decade which was contained in the annex to the resolution. In the same resolution, the Assembly decided that the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid and intensify their efforts, during the Third Decade to provide relief to the victims of racism and all forms of racial discrimination and apartheid. The Assembly further urged the Secretary-General, United Nations bodies, specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous peoples.

73. The Sub-Commission, at its forty-fifth session, in its resolution 1993/3, welcomed the appointment by the Commission on Human Rights, for a three-year

period, of a Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance; recommended that the Special Rapporteur carry out his mandate by examining situations in the various regions of the world, beginning with incidents which are increasing in the developed countries, as well as theories and attitudes of racial superiority which incite them; also recommended that the Special Rapporteur be invited to address the Sub-Commission at its forty-sixth session to present his report there also, further recommended that arrangements be made for the convening, on that occasion, of a joint meeting between the Sub-Commission and the Committee on the Elimination of Racial Discrimination, with a view to the elaboration of recommendations concerning the comprehensive measures envisaged in paragraph 4 of Commission resolution 1993/20; and requested the Secretary-General to prepare, for that meeting, a report containing a survey of efforts made by different United Nations bodies to prevent and combat racism, racial discrimination, xenophobia and related intolerance, together with proposals on how these efforts could be strengthened and better coordinated.

74. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1994/12), a note by the Secretary-General (E/CN.4/Sub.2/1994/37) and a letter from the Chairman of the Committee on Racial Discrimination addressed to the Chairman of the Sub-Commission (E/CN.4/Sub.2/1994/38).

Sub-item (b) Monitoring the transition to democracy in South Africa

75. At its forty-fifth session, the Sub-Commission decided to replace agenda item 5 (b), entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa", by a new sub-item, entitled "Monitoring of the transition to democracy in South Africa" (decision 1993/102).

76. At its forty-fourth session, in its resolution 1992/6, the Sub-Commission recommended that a special rapporteur be appointed from among the members of the Sub-Commission to report on the progress towards democracy, equality and social justice in South Africa.

77. At its forty-ninth session, the Commission, in its resolution 1993/19, recommended the Economic and Social Council to authorize the Sub-Commission to entrust Ms. Judith Sefi Attah with the task of presenting annually a report on the transition to democracy in South Africa, including:

(a) Steps taken in accordance with international human rights instruments to prevent violence between different groups in South Africa;

(b) Steps taken to investigate the alleged involvement of the South African security forces in fomenting violence and how that problem was being addressed;

(c) Steps taken to ensure equal political participation for all South Africans, including those removed under the apartheid system to the so-called homelands;

(d) Steps taken to ensure the enjoyment by all South Africans, without discrimination, of economic and social rights;

(e) An analysis of the obstacles preventing the democratization of South Africa and ways and means to eliminating them.

78. The Economic and Social Council adopted resolution 1993/45 as recommended by the Commission.

79. At its forty-fifth session, the Sub-Commission, in its resolution 1993/1, having considered her preliminary report (E/CN.4/Sub.2/1993/11), requested the Special Rapporteur to submit her second report to the Sub-Commission at its forty-sixth session.

80. At its fiftieth session, the Commission, in its resolution 1994/8, took note with appreciation of the report of the Special Rapporteur (E/CN.4/Sub.2/1993/11/Add.1) on the positive developments in South Africa, requested the Special Rapporteur to undertake two missions to South Africa in 1994 to gain further insights into the whole process of transition to democracy in South Africa and to report to the Commission at its fifty-first session.

81. At the present session, the Sub-Commission will have before it Ms. Attah's preliminary report (E/CN.4/Sub.2/1994/13).

82. With respect to the present item, the attention of the Sub-Commission is also drawn to the following resolutions adopted by the General Assembly at its forty-eighth session:

48/90 Report of the Committee on the Elimination of Racial Discrimination

48/91 Third Decade to Combat Racism and Racial Discrimination

Item 6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

83. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. The Secretary-General was requested, in paragraph 3, to provide assistance and facilities to the Sub-Commission in accomplishing its task. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to

believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

84. The Economic and Social Council, in resolution 1235 (XLII) of 6 June 1967, welcomed the decision of the Commission to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and the Secretary-General in Commission resolution 8 (XXIII). The Council authorized the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959, and further authorized the Commission to make a thorough study of situations which revealed a consistent pattern of violations of human rights.

Situation in East Timor

85. In its resolution 1993/12, the Sub-Commission decided to consider at its forty-sixth session the situation pertaining to human rights and fundamental freedoms in East Timor, and for that purpose requested the secretariat to transmit to it all relevant information received.

86. The Commission, at its fiftieth session, heard a statement by its Chairman to indicate the Commission's consensus agreement in connection with the situation of human rights in East Timor (E/1994/24-E/CN.4/1994/131, para. 482). The Commission, inter alia, welcomed the undertaking by the Government of Indonesia to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit East Timor and to submit his report to its fifty-first session. In the same spirit, the Commission took note of the intention of the Government of Indonesia to continue to cooperate with other relevant, thematic special rapporteurs and/or working groups, and to invite them to visit East Timor when necessary for the fulfilment of their duties. The Commission requested the Secretary-General to keep it informed on the situation of human rights in East Timor and would consider it at its fifty-first session.

87. At the present session the Sub-Commission will have before it a note by the Secretariat (E/CN.4/Sub.2/1994/14).

Situation of human rights in the Islamic Republic of Iran

88. In its resolution 1993/14, the Sub-Commission decided to consider further the situation of human rights in the Islamic Republic of Iran, including the situation of women and minority groups such as the Baha'is and Kurds, at its forty-sixth session. It requested the Secretary-General to inform the Sub-Commission at its forty-sixth session of the relevant reports and measures already implemented by United Nations bodies, or under way, to prevent human rights violations in the Islamic Republic of Iran.

89. The General Assembly at its forty-eighth session had before it the interim report of the Special Representative of the Commission on Human

Rights, Mr. R. Galindo Pohl, on the situation of human rights in the Islamic Republic of Iran (A/48/526). The General Assembly adopted resolution 48/145 on 20 December 1993.

90. The Commission on Human Rights, at its fiftieth session, had before it the report of its Special Representative on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1994/50). On 9 March 1994 the Commission adopted resolution 1994/73 in which it decided to extend the mandate of the Special Representative for a further year and requested him to submit an interim report to the General Assembly at its forty-ninth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha's, and to report to the Commission at its fifty-first session.

91. At the present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/1994/15).

Situation in the Palestinian and other Arab territories occupied by Israel

92. In resolution 1993/15, the Sub-Commission, at its forty-fifth session, requested the Secretary-General to provide it, at its forty-sixth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions, and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the resolution.

93. At its fiftieth session, the Commission adopted resolutions 1994/1 entitled "Israeli settlements in the occupied Arab territories", 1994/2 entitled "Human rights in the occupied Syrian Golan", 1994/3 A and B, entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine", 1994/4, entitled "Middle East peace process" and 1994/5 entitled "Situation in occupied Palestine".

94. The attention of the Sub-Commission is also drawn to General Assembly resolution 48/41 of 10 December 1993, entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

95. At the present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/1994/16).

Other matters

96. In discussing this item, the Sub-Commission may wish to take into account the following resolutions and decision adopted by the Sub-Commission at its forty-fifth session, by the General Assembly at its forty-eighth session, and by the Commission on Human Rights at its fiftieth session, in addition to those referred to in the foregoing paragraphs:

Sub-Commission (forty-fourth session)

Resolutions

1993/8	Punishment of the crime of genocide
1993/9	Situation of Kosovo
1993/10	Situation of human rights in Chad
1993/11	Situation in South Africa
1993/13	Consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population
1993/16	Situation of human rights in Guatemala
1993/17	Situation in Bosnia and Herzegovina
1993/18	Situation in Haiti: encouragement of the establishment of the democratic process and the reconstruction of the country
1993/19	Situation in Myanmar
1993/20	Situation of human rights in Iraq
1993/23	Situation of human rights in Peru

General Assembly (forty-eighth session)

48/142	Situation of human rights in Cuba
48/143	Rape and abuse of women in the areas of armed conflict in the former Yugoslavia
48/144	Situation of human rights in Iraq
48/146	Situation of human rights in Somalia
48/147	Situation of human rights in Sudan
48/149	Situation of human rights in El Salvador
48/150	Situation of human rights in Myanmar
48/151	Human rights in Haiti
48/152	Situation of human rights in Afghanistan
48/153	Situation of human rights in the territory of the former Yugoslavia: violations of human rights in the Republic of

Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

48/154 Situation of human rights in Cambodia

48/155 Situation of human rights in Estonia and Latvia

Commission on Human Rights (forty-ninth session)

Resolutions

1994/10 Situation of human rights in South Africa

1994/71 Situation of human rights in Cuba

1994/72 Situation in human rights in the territory of the former Yugoslavia: violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

1994/74 Situation of human rights in Iraq

1994/75 Situation of human rights in the Republic of Bosnia and Herzegovina

1994/76 Situation of human rights in Kosovo

1994/77 The rape and abuse of women in the territory of the former Yugoslavia

1994/78 Situation of human rights in Togo

1994/79 Situation of human rights in the Sudan

1994/80 Situation of human rights in Haiti

1994/81 Human rights violations in the Papua New Guinea island of Bougainville

1994/83 Situation of human rights in southern Lebanon

1994/84 Situation of human rights in Afghanistan

1994/85 Situation of human rights in Myanmar

1994/86 Situation of human rights in Burundi

1994/87 Situation of human rights in Zaire

1994/88 Situation of human rights in Angola

1994/89 Situation in Equatorial Guinea

Decision

1994/110 Question of human rights in Cyprus

Item 7. The new international economic order and the promotion of human rights

97. The Sub-Commission at its thirty-first session, by decision 6 (XXXI) of 15 September 1978, added to the agenda for its thirty-second session an item entitled "The new international economic order and the promotion of human rights". In its resolution 1985/34, the Sub-Commission decided to consider this item on a biennial basis. In its resolution 1989/1, the Sub-Commission decided to consider this item on an annual basis.

98. No decision was adopted under this item by the Sub-Commission at its forty-fifth session.

Sub-item (a) The role and equal participation of women in development

99. The Sub-Commission first proposed to include the topic "Prevention of discrimination and protection of women" as a sub-item on its agenda during its thirty-seventh session, in 1984 (E/CN.4/Sub.2/1984/SR.39).

100. At its thirty-ninth session, the Sub-Commission adopted resolution 1987/26 entitled "The role and equal participation of women in development", in which it decided to consider, at its forty-first and future sessions, and in connection with the item on its agenda entitled "The new international economic order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development". The Sub-Commission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

101. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

Item 8. The realization of economic, social and cultural rights

102. The Commission, at its forty-third session, in resolution 1987/19, requested the Sub-Commission to examine the conclusions and recommendations of the report of the Commission entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress (United Nations publication, Sales No. 75.XIV.2) and to submit to the Commission, at its forty-fourth session a proposed timetable for updating those conclusions and recommendations, taking into account the activities of the specialized agencies, other United Nations bodies and organs, other intergovernmental organizations, Governments and non-governmental organizations, and keeping in mind the importance of maintaining a specific human rights focus in examining the issues raised in that report. The Commission also requested the Sub-Commission to consider, in accordance with its resolution 1983/35, the

preparation of a study on the impact on human rights of the policies and practices of the major international financial institutions, most notably the International Monetary Fund and the World Bank.

103. The Sub-Commission, at its thirty-ninth session, in resolution 1987/29 A, recommended to the Commission on Human Rights and the Economic and Social Council, in response to Commission resolution 1987/19, that the Sub-Commission be authorized to appoint, from its members to be elected in 1988, a special rapporteur to study problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights; the special rapporteur would be requested to present a substantial progress report to the Sub-Commission at its forty-first session. The Commission, in its resolution 1988/22, invited the Sub-Commission to appoint a special rapporteur for that purpose.

104. At its fortieth session, the Sub-Commission, in its resolution 1988/33, decided to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, and recommended that the Special Rapporteur should take account of the guidelines and issues contained in resolution 1987/29 A of the Sub-Commission. The resolution of the Sub-Commission was endorsed by Commission resolution 1989/13 and Economic and Social Council decision 1989/138.

105. In the period from 1989 to 1992, the Special Rapporteur on the realization of economic, social and cultural rights submitted four reports: a preliminary report (E/CN.4/Sub.2/1989/19); two progress reports (E/CN.4/Sub.2/1990/19 and E/CN.4/Sub.2/1991/17) and a final report (E/CN.4/Sub.2/1992/16).

106. In its resolution 1992/29, the Sub-Commission, at its forty-fourth session, expressed its deep appreciation to the Special Rapporteur, Mr. Danilo Türk, for his final report on the realization of economic, social and cultural rights, endorsed the recommendations contained in paragraphs 202 to 246 of that report and requested the Secretary-General to ensure the widest possible distribution of the reports of the Special Rapporteur throughout the United Nations system, especially among programmes and agencies with mandates in the economic, social and cultural fields. In the same resolution, it urged the international financial institutions, in particular the World Bank and the International Monetary Fund, to take greater account of the adverse impacts of their policies and programmes of structural adjustment on the realization of economic, social and cultural rights. It requested the Secretary-General to invite the international financial institutions to consider the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights.

Income distribution

107. The Sub-Commission, in its resolution 1992/29, decided to consider, at its forty-fifth session, the possibility of examining in a future study the subject of income distribution and the realization of economic, social and cultural rights and the issue of justiciability of economic, social and cultural rights.

108. By resolution 1993/40, the Sub-Commission decided to entrust Mr. Asbjorn Eide with the task of producing a preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field.

109. In resolution 1994/20 the Commission endorsed the decision of the Sub-Commission and encouraged the Sub-Commission to continue to give attention to the issue of income distribution and the realization of economic, social and cultural rights.

110. At the present session, the Sub-Commission will have before it the preparatory document prepared by Mr. Eide (E/CN.4/Sub.2/1994/21).

The right to adequate housing

111. At its forty-third session, the Sub-Commission adopted resolution 1991/26 entitled "Promoting the realization of the right to adequate housing", in which it entrusted Mr. Rajindar Sachar with the task of producing a working paper on the right to adequate housing, with a view to determining how best to further both the recognition and the enforcement of this right. The Sub-Commission also requested Mr. Sachar to examine the utility of adopting an international declaration or convention on the right to adequate housing and to examine the specific contents of this right, and to submit his working paper to the Sub-Commission at its forty-fourth session.

112. At its forty-fourth session, the Sub-Commission, in its resolution 1992/26, having taken note of the preliminary conclusions contained in the working paper (E/CN.4/Sub.2/1992/15), decided to appoint Mr. Rajindar Sachar as Special Rapporteur on promoting the realization of the right to adequate housing.

113. At is forty-fifth session, the Sub-Commission adopted resolution 1993/36 in which it endorsed the preliminary conclusions and recommendations contained in the progress report of the Special Rapporteur (E/CN.4/Sub.2/1993/15) and requested him to submit to the Sub-Commission, at its forty-sixth session, a second progress report.

114. At its fiftieth session, the Commission on Human Rights adopted resolution 1994/14 concerning the subject.

115. At the present session, the Sub-Commission will have before it the second progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1994/20).

Human rights and extreme poverty

116. At its forty-sixth session, the Commission on Human Rights adopted resolution 1990/15, in which it reaffirmed that extreme poverty and exclusion from society constituted violations of human dignity and that urgent national and international action was therefore required to eliminate them; it requested the Sub-Commission, when giving attention, in accordance with its

resolution 1989/20, to problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question.

117. By its decision 1990/119, the Sub-Commission decided to request Mr. Eduardo Suescún Monroy to prepare the method and plan of work for the study on human rights and extreme poverty. At its forty-third session, the Sub-Commission had before it the report prepared by Mr. Eduardo Suescún Monroy (E/CN.4/Sub.2/1991/18).

118. The Commission, at its forty-eighth session, in resolution 1992/11, requested the Sub-Commission to undertake a study on the question of extreme poverty.

119. At its forty-fourth session, the Sub-Commission, in its resolution 1992/27, decided to appoint Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty and requested him to submit a preliminary report to the Sub-Commission at its forty-fifth session.

120. In its resolution 1993/13, the Commission, at its forty-ninth session, endorsed the Sub-Commission's decision and invited the Special Rapporteur to give special attention to the following aspects:

(a) The effects of extreme poverty on the enjoyment and exercise of the human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them. In addition, the Commission invited the Special Rapporteur, in his report to the Sub-Commission at its forty-fifth session, to consider the possibility of organizing a seminar with a view to furthering reflection on the topic "Extreme poverty and denial of human rights" and to make suggestions in this regard.

121. At its forty-fifth session, the Sub-Commission, in its resolution 1993/35, took note with appreciation of the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1993/16) and requested him to submit to it, at its forty-sixth session, an interim report.

122. At its fiftieth session, the Commission, in its resolution 1994/12, approved the recommendation of the Special Rapporteur relating to the organization of a seminar on extreme poverty and denial of human rights, and decided to examine this question at its fifty-first session.

123. At the present session, the Sub-Commission will have before it the interim report of the Special Rapporteur (E/CN.4/Sub.2/1994/19).

Human rights and population transfer

124. In its resolution 1990/17, the Sub-Commission decided to consider the human rights dimensions of population transfer, including the policy and practice of the implantation of settlers and settlements, at its future sessions under the agenda item "The realization of economic, social and cultural rights".

125. In its resolution 1991/28, the Sub-Commission, at its forty-third session, recognized that population transfer affected the basic human rights and freedoms of the peoples concerned, including the original inhabitants, the people removed and the settlers, and decided to include the question of the human rights dimensions of population transfers, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter, taking into account the working paper submitted by Mrs. Christy Ezim Mbonu (E/CN.4/Sub.2/1991/47) and such other relevant materials as might be provided to the Secretary-General by non-governmental organizations or in the reports of other United Nations bodies.

126. At its forty-fourth session, in resolution 1992/28, the Sub-Commission entrusted Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements.

127. At its forty-fifth session the Sub-Commission, in resolution 1993/34, endorsed the conclusions and recommendations of the preliminary report (E/CN.4/Sub.2/1993/17 and Corr.1). It expressed its regret that Mr. Hatano was unable to be further involved in the work on this subject as one of the Special Rapporteurs and requested Mr. Al-Khasawneh, as Special Rapporteur, to continue the study and to submit a progress report to the Sub-Commission at its forty-sixth session.

128. At the present session, the Sub-Commission will have before it the progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1994/18).

Forced evictions

129. At its forty-third session, the Sub-Commission, in its resolution 1991/12, decided to review the matter of forced eviction as a gross and consistent pattern of human rights violations affecting large numbers of people and peoples at its forty-forth session.

130. At its forty-ninth session, the Commission on Human Rights adopted resolution 1993/77, upon the recommendation of the Sub-Commission contained in its resolution 1992/14. In the resolution, the Commission requested the Secretary-General to compile an analytical report on the practice of forced evictions, based on an analysis of international law and jurisprudence and information submitted.

131. At its forty-fifth session, the Sub-Commission decided by its resolution 1993/41 to consider the issue of forced evictions at its forty-sixth session and to discuss the analytical report of the Secretary-General (E/CN.4/1994/20) under the agenda item entitled "The realization of economic, social and cultural rights" and determine how most effectively to continue its consideration of the issue of forced evictions.

Other matters

132. With regard to the issues under this item, the attention of the Sub-Commission is also drawn to General Assembly resolution 48/130, entitled "Right to development".

133. The Sub-Commission may also wish to note the following resolutions of the Commission adopted at its fiftieth session, in addition to those referred to in the foregoing paragraphs:

1994/11	Effect on the full enjoyment of human rights and of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development
1994/13	Respect for the right of everyone to own property alone as well as in association with others
1994/20	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights
1994/21	The right to development
1994/63	Question of trade union rights
1994/66	Human rights and mass exoduses
1994/68	Internally displaced persons

Item 9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

134. In its resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually and consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. As an initial step in

violations of human rights and fundamental freedoms. As an initial step in the implementation of Council resolution 1503 (XLVIII), the Sub-Commission adopted provisional procedures for dealing with the question of admissibility of communications in resolution 1 (XXIV) of 13 August 1971. The Working Group on Communications was established by Sub-Commission resolution 2 (XXIV) of 16 August 1971. It has met prior to each session of the Sub-Commission and presented to the Sub-Commission a confidential report.

135. Under the terms of Council resolution 1503 (XLVIII), the Sub-Commission is called upon to consider at private meetings the communications brought before it in accordance with the decision of a majority of the members of the Working Group on Communications and any replies of Governments relating thereto, and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), the Sub-Commission communicates its conclusions on the item confidentially to the Commission.

136. By decision 4 (XXXIV) of 3 March 1978, the Commission decided that the Sub-Commission and its Working Group on Communications should thenceforth have access to the records of the closed meetings of the Commission covering its examination of situations referred to it under Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that had been before the Commission.

137. By decision 3 (XXXIV) of 3 March 1978, the Commission decided that, when dealing with communications under Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review, it would invite the Chairman-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item and to take the floor if he or she so wished.

138. A number of procedural steps have been taken at the Commission level with regard to the application of the procedure governed by Council resolution 1503 (XLVIII). Since 1974, the Commission has every year established a working group (Working Group on Situations) to assist it in examining the situations referred to it by the Sub-Commission and to make recommendations thereon to it. By resolution 1990/41, the Economic and Social Council authorized the establishment of the Commission's Working Group on Situations on a permanent basis, instead of the earlier ad hoc basis. The recommendations of the Working Group on Situations are communicated to the Governments directly concerned (see Commission decision 14 (XXXV) of 12 March 1979), which are invited to participate in the meetings of the Commission at which the situations in question are examined (see Commission decisions 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980).

139. By decision 1990/112, the Sub-Commission, wishing to modify its decision 1989/102, decided that the Working Group on Communications, acting under paragraph 1 of Council resolution 1503 (XLVIII), should in the future consider only those communications that had been transmitted to the Governments concerned under Council resolution 728 F (XXVIII) not later than 12 weeks prior to the meetings of the Working Group. At its forthcoming

session, to be held from 18 to 29 July 1994, the Working Group on Communications will, accordingly, consider communications received and processed by the Secretariat since the last session of the Sub-Commission and forwarded to the Governments concerned not later than 22 April 1994.

140. Since its forty-first session in 1989, the Sub-Commission has voted by secret ballot on all decisions adopted under the procedure governed by Council resolution 1503 (XLVIII). At the forty-first and forty-second sessions, this was done by way of suspending rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council and, at the forty-third, forty-fourth and forty-fifth sessions in 1991, 1992 and 1993 by reference to Council resolution 1991/32 of 31 May 1991 on the strengthening of the independence of the members of the Sub-Commission.

141. The Sub-Commission's attention is also drawn to paragraph 5 of its last confidential report, which relates to matters kept pending until its forty-sixth session.

142. At the present session, the Sub-Commission will have before it the following documents:

(a) The confidential report of the Working Group on Communications of the Sub-Commission on its meetings from 18 to 29 July 1994;

(b) Relevant documentation referred to in paragraph 5 of the Sub-Commission's last confidential report;

(c) The confidential summary records of the fiftieth session of the Commission on Human Rights, the text of the Commission's confidential decisions and other documents relating thereto;

(d) Resolutions and decisions adopted by the Council, the Commission and the Sub-Commission that are of relevance to the work of the Sub-Commission under Council resolution 1503 (XLVIII);

(e) Confidential lists of communications compiled by the Secretary-General under Council resolutions 728 F (XXVIII) and 1503 (XLVIII) since the Sub-Commission's forty-fifth session, as well as replies received from Governments during the period July 1993-June 1994.

143. The above-mentioned confidential documents will be handed to the members of the Sub-Commission.

Item 10. The administration of justice and the human rights of detainees

Sub-item (a) Question of the human rights of persons subjected to any form of detention or imprisonment

Annual review

144. In its resolution 1993/25 of 25 August 1993, entitled "Submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974", the Sub-Commission, bearing in mind that no replies had been

received for the last two years to the requests for relevant information, recommended to the Secretary-General that he no longer issue reports and synopses of materials on this subject.

145. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to consider the question of the human rights of detained persons.

146. In its resolution 1992/31, the Commission, at its forty-eighth session, requested the Sub-Commission to continue its practice of creating a sessional working group on detention to formulate concrete proposals regarding human rights in the administration of justice.

147. At its forty-ninth session, the Commission, in its resolution 1993/41, reiterated its request to the Sub-Commission to continue its practice of creating a sessional working group on detention to formulate concrete proposals regarding human rights in the administration of justice.

148. The attention of the Sub-Commission is also drawn to Commission on Human Rights resolutions 1994/32, entitled "Question of arbitrary detention", 1994/37, entitled "Torture and other cruel, inhuman or degrading treatment or punishment", and 1994/40, entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

149. At the present session, the Sub-Commission will have before it the report of the sessional Working Group on Detention to the Sub-Commission (E/CN.4/Sub.2/1994/22).

Application of international standards concerning the human rights of detained juveniles

150. In its resolution 1989/31, the Sub-Commission requested the Secretary-General to update the report of the Secretary-General on the incarceration of children under the age of 18 with adult prisoners (E/CN.4/Sub.2/1987/30) and to submit the revision to the Sub-Commission at its forty-second session. In addition, it decided to appoint Mrs. María Concepción Bautista to prepare a report, without financial implications, on the application of international standards concerning the human rights of detained juveniles, in particular the separation of juvenile and adult offenders in penal institutions, detention pending trial, least possible use of institutionalization and the objectives of institutional treatment. At its forty-second session, the Sub-Commission, by its resolution 1990/21, extended the mandate of Mrs. Bautista until its forty-third session. The Special Rapporteur submitted her report (E/CN.4/Sub.2/1991/24) to the Sub-Commission at its forty-third session.

151. In its resolution 1991/16, the Sub-Commission, at its forty-third session, requested the Special Rapporteur to submit to the Sub-Commission, at its forty-fourth session, an updated report containing further information concerning successful efforts to implement international standards, observations relating to practices that are not compatible with relevant

international standards, and recommendations concerning measures that should be taken by States and the international community to increase effective recognition and protection of the rights of detained juveniles.

152. At its forty-fourth session, the Sub-Commission, in resolution 1992/25, congratulated the Special Rapporteur, Mrs. María Concepción Bautista, on the contents of her final report (E/CN.4/Sub.2/1992/20), and welcomed the proposal by the Secretary-General, contained in his note (E/CN.4/Sub.2/1992/20/Add.1), to organize a meeting of experts on the application of international standards concerning the human rights of detained juveniles.

153. In its resolution 1993/80, the Commission, at its forty-ninth session, also welcomed the proposal by the Secretary-General to organize, within the framework of the programme of human rights activities for 1994, such a meeting of experts.

154. At its forty-fifth session, the Sub-Commission, in its resolution 1993/27, welcomed Commission resolution 1993/80 and requested the Secretary-General to provide all necessary assistance for the organization and success of the meeting of experts. It also requested the Secretary-General to report on the results of the meeting to the Sub-Commission at its forty-sixth session and to the Commission at its fifty-first session.

155. Since such a meeting of experts on the human rights of detained juveniles is yet to be organized, no document is foreseen at the forty-sixth session.

Privatization of prisons

156. At its forty-first session, by decision 1989/110, the Sub-Commission requested Mr. Miguel Alfonso Martínez to prepare, without financial implications, a working paper containing proposals on the best way for the Sub-Commission to study further the issue of privatization of prisons, and to submit the working paper to the Sub-Commission at its forty-second session.

157. The sessional Working Group on Detention established by the Sub-Commission at its forty-second session decided to postpone consideration of this item until 1991.

158. By its decision 1991/105, the Sub-Commission, at its forty-third session, after having examined the working paper submitted by Mr. Miguel Alfonso Martínez on the issue (E/CN.4/Sub.2/1991/56), decided to request Governments and intergovernmental and non-governmental organizations to submit their views on the matter and to request the Secretary-General to submit to the Sub-Commission at its forty-fourth session a working paper containing a systematic compilation of those views and analytical comments thereon.

159. By its decision 1992/107, the Sub-Commission, at its forty-fourth session, having considered the working paper submitted by the Secretary-General on the issue of the privatization of prisons (E/CN.4/Sub.2/1992/21) and the report of the Working Group on Detention (E/CN.4/Sub.2/1992/22), decided to request Mrs. Claire Palley to prepare, without financial implications, an outline of the possible utility, scope

and structure of a special study which might be undertaken on the issue of privatization of prisons, to be submitted to the Working Group on Detention and to the Sub-Commission at its forty-fifth session.

160. The Sub-Commission, at its forty-fifth session, having discussed the outline prepared by Mrs. Palley (E/CN.4/Sub.2/1993/21), requested the Commission on Human Rights, by its decision 1993/109, to authorize the Sub-Commission at its forty-sixth session to appoint one of its members to undertake a special study.

161. At its fiftieth session, the Commission, by its decision 1994/103, requested the Sub-Commission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned study. The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission at its fifty-first session.

Sub-item (b) Question of human rights and states of emergency

162. In its resolution 10 (XXX) of 31 August 1977, the Sub-Commission expressed its concern at the manner in which certain countries applied the provisions relating to situations known as states of siege or emergency. Convinced that a connection existed between such application and the situation regarding human rights in the said countries, the Sub-Commission considered that a comprehensive study of the implications for human rights of recent developments in that sphere would be conducive to the achievement of the aims pursued by the United Nations in the field of human rights. The comprehensive study was presented by Ms. Nicole Questiaux at the thirty-fifth session of the Sub-Commission (E/CN.4/Sub.2/1982/15).

163. In resolution 1983/18, the Commission requested the Sub-Commission to propose, for the Commission's consideration at its fortieth session, measures designed to ensure respect throughout the world for human rights and fundamental freedoms in situations where states of siege or emergency existed.

164. At the Sub-Commission's request (resolutions 1983/30 and 1984/27), the Economic and Social Council, in its resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30 for the purpose of (a) drawing up and updating annually a list of countries which proclaim or terminate a state of emergency; and (b) submitting an annual special report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency. In its resolution 1985/32, the Sub-Commission requested Mr. Leandro Despouy, the Special Rapporteur, to present his first report to the Sub-Commission at its thirty-ninth session.

165. The Sub-Commission, at its forty-fifth session, had before it the sixth annual report and list of States prepared by the Special Rapporteur (E/CN.4/Sub.2/1993/23). In its resolution 1993/28, it invited the Special Rapporteur to continue his work and to submit to the Sub-Commission, at its

forty-sixth session, the next annual report and list updated on the basis of information received. The Sub-Commission also invited the Special Rapporteur to continue his work on the draft guidelines for the development of legislation on states of emergency and, in particular, to examine the question of non-derogable rights.

166. The Commission, in its resolution 1994/43, recommended to the Economic and Social Council the endorsement of the Sub-Commission's request.

167. At the present session, the Sub-Commission will have before it the seventh annual report and list prepared by the Special Rapporteur (E/CN.4/Sub.2/1994/23).

Sub-item (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

168. In resolution 26 (XXXVI) of 11 March 1980, the Commission on Human Rights called upon Governments to observe the strict application of the principle that no one can be prosecuted or persecuted merely because of his connection, particularly family connection, with a suspect, an accused person or a person who has been convicted. The Sub-Commission was requested to study the question and to submit recommendations to the Commission for its consideration. The question was discussed at the thirty-seventh session of the Sub-Commission (E/CN.4/1985/3-E/CN.4/Sub.2/1984/43, paras. 235-237) but no action was taken.

Sub-item (d) The right to a fair trial

169. The Sub-Commission, at its forty-first session, adopted resolution 1989/27 in which it decided to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial for submission to the Working Group on Detention and to the Sub-Commission.

170. Having considered the report of the two Special Rapporteurs (E/CN.4/Sub.2/1990/34), the Sub-Commission, by resolution 1990/18, recommended to the Commission that it ask the Economic and Social Council to endorse its decision to entrust Messrs. Chernichenko and Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening". The Sub-Commission decision was endorsed by the Commission in its resolution 1991/43 and the Economic and Social Council in its decision 1991/262.

171. The Special Rapporteurs submitted their third and fourth reports (E/CN.4/Sub.2/1992/24 and Add.1-3 and E/CN.4/Sub.2/1993/24 and Add.1-2), to the Sub-Commission at its forty-fourth and forty-fifth sessions and the Commission at its forty-ninth and fiftieth sessions.

172. By its resolution 1993/26, the Sub-Commission, at its forty-fifth session, requested the Special Rapporteurs to submit at its forty-sixth session a final report, which should include recommendations for strengthening the implementation of the right to a fair trial, together with a draft third optional protocol to the International Covenant on Civil and Political Rights,

and consider the possibility of elaborating a draft declaration or body of principles on the right to a fair trial and a remedy. The Sub-Commission decided to consider at its forty-sixth session the advisability of elaborating a third optional protocol as well as the other recommendations of the Special Rapporteurs for strengthening the implementation of the right to a fair trial, including the possibility of elaborating a draft declaration or body of principles on the right to a fair trial and a remedy.

173. At its fiftieth session, the Commission, by its decision 1994/107, endorsed the Sub-Commission's request.

174. At the present session, the Sub-Commission will have before it the final report of the Special Rapporteurs (E/CN.4/Sub.2/1994/24) and the reports of the Secretary-General (E/CN.4/Sub.2/1994/25 and 26).

Item 11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

175. By its decision 1980/124, the Economic and Social Council authorized the Sub-Commission to entrust Mr. L.M. Singhvi with the preparation of a report on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers.

176. The Special Rapporteur accordingly submitted preliminary and progress reports on the subject in 1980, 1981 and 1982 (E/CN.4/Sub.2/L.731, E/CN.4/Sub.2/481 and Add.1, and E/CN.4/Sub.2/1982/23). He submitted his final report on the subject (E/CN.4/Sub.2/1985/18 and Add.1-6) to the Sub-Commission at its thirty-eighth session and drew attention, in particular, to the draft declaration on the independence of justice (E/CN.4/Sub.2/1985/18/Add.5/Rev.1).

177. The Special Rapporteur submitted to the Sub-Commission at its fortieth session a report containing comments and suggestions on the draft declaration (E/CN.4/Sub.2/1988/20) and a revised version of the draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1).

178. At its forty-first session, the Sub-Commission adopted resolution 1989/22 on the subject, in which it invited Mr. Louis Joinet to prepare a working paper on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers.

179. In its resolution 1990/33, the Commission on Human Rights, at its forty-sixth session, endorsed Sub-Commission resolution 1989/22 and requested the Sub-Commission to study the working paper with a view to recommending to the Commission any initiatives which could be taken to effectuate the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers.

180. At its forty-second session, the Sub-Commission considered the working paper prepared by Mr. Joinet (E/CN.4/Sub.2/1990/35) and decided, in its resolution 1990/23, to entrust him with the preparation of a report.

181. The Sub-Commission's decision was endorsed by the Commission in its resolution 1991/39 and the Economic and Social Council in its decision 1991/241.

182. In its resolution 1991/35, the Sub-Commission, at its forty-third session, taking note of the report prepared by Mr. Louis Joinet (E/CN.4/Sub.2/1991/30 and Add.1-4), decided to entrust Mr. Joinet with the preparation of a report to bring to the attention of the Sub-Commission information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the legal profession in accordance with United Nations standards. The Sub-Commission's decision was endorsed by the Commission in its resolution 1992/33.

183. In its resolution 1992/38, the Sub-Commission, at its forty-fourth session, took note of the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1992/25 and Add.1) and decided to entrust him with the preparation of a further report.

184. The Sub-Commission's decision was endorsed by the Commission in its resolution 1993/44.

185. At its forty-fifth session, the Sub-commission, in its resolution 1993/39, recommended to the Commission on Human Rights to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officials, and the nature of potential threats to this independence and impartiality.

186. At its fiftieth session, the Commission, in its resolution 1994/41, endorsed the recommendation of the Sub-Commission, and requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur whose mandate would consist of the following tasks:

(a) To inquire into any substantial allegations transmitted to him or her and report his or her conclusions thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and made concrete recommendations including the provision of advisory services or technical assistance when they are requested by the State concerned;

(c) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers.

In the same resolution, the Commission also requested the Special Rapporteur, starting with its fifty-first session, to submit a report.

187. Subsequently, the Chairman of the Commission appointed Mr. Dat Param Cumaraswamy (Malaysia) as the Special Rapporteur.

Item 12. Human rights and scientific and technological developments

188. Pursuant to resolution XI of the International Conference on Human Rights adopted on 12 May 1968, the relationship between human rights and scientific and technological developments has been examined at various sessions of the General Assembly, the Commission on Human Rights and the Sub-Commission.

189. The General Assembly, at its forty-fourth session, adopted resolution 44/133 of 15 December 1989, in which the Assembly invited the Commission on Human Rights to assist the Sub-Commission in preparing the study on the use of the achievements of scientific and technological progress to ensure the right to work and development requested by the Commission in its resolutions 1982/4 of 19 February 1982, 1984/29 of 12 March 1984, 1986/11 of 10 March 1986, 1988/61 of 9 March 1988 and 1990/39 of 6 March 1990.

190. The Commission on Human Rights, in its resolution 1993/91, requested the Sub-Commission, under the agenda item "Human rights and scientific and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and to make recommendations to that effect.

191. The Sub-Commission, at its forty-fourth session, adopted decision 1992/104 in which it decided to consider under this item at its forty-sixth session the possibility of elaborating new human rights standards relating to scientific developments which could affect the mental condition or the genetic structure of human beings.

Item 13. Encouragement of universal acceptance of human rights instruments

192. By its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission decided to establish each year a sessional working group composed of five members of the Sub-Commission, with due regard to equitable geographical distribution, to meet during the sessions of the Sub-Commission in order to consider ways and means of encouraging Governments which had not yet done so to ratify or adhere to international human rights instruments. By the same resolution, the Sub-Commission requested the Secretary-General, well before the annual session of the Sub-Commission, to write to Governments which had not yet accepted the human rights instruments, requesting them to inform the Sub-Commission of the circumstances which so far had not enabled them to ratify or adhere to those instruments and to explain any particular difficulties which they might face in respect of which the United Nations could offer any assistance. The Sub-Commission invited its sessional Working Group to examine the replies received from Governments and to consider what forms of assistance could be provided to Governments by the United Nations in that regard.

193. At its thirty-eighth session, the Sub-Commission, by resolution 1985/5, decided to suspend the work of the Working Group until further review of its mandate and requested its Chairman to appoint one of its members to report to it at its fortieth session on information received under the resolution. Pursuant to that resolution, the Chairman of the Sub-Commission appointed

Mrs. Fatma Zohra Ksentini, who presented a brief analysis at the fortieth session of the information that had been submitted by Governments (E/CN.4/Sub.2/1988/27).

194. At its forty-second session, by resolution 1990/24, the Sub-Commission again requested its Chairman to appoint one of its members to report to it at its forty-fourth session on this subject. Pursuant to that resolution, the Chairman of the Sub-Commission appointed Mrs. Fatma Zohra Ksentini, who presented an analysis at the forty-second session of the information that had been submitted by Governments (E/CN.4/Sub.2/1992/27). In the same resolution, the Sub-Commission decided to continue the consideration of the item entitled "Encouragement of universal acceptance of human rights instruments" at its forty-fourth session and, subsequently, at alternate sessions of the Sub-Commission.

195. At its forty-fourth session, by resolution 1992/1, the Sub-Commission requested the Chairman to appoint one of its members to report to it at its forty-sixth session on information received under that resolution.

196. In accordance with its resolution 1992/1, the Sub-Commission at its present session will have before it a note by the Secretary-General containing information relating to communications with Member States concerning the ratification of, or accession to, the relevant human rights instruments as well as an updated table recording country-by-country developments in that regard (E/CN.4/Sub.2/1994/27), as well as the report by a member of the Sub-Commission (E/CN.4/Sub.2/1994/28).

Item 14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

197. By its decision 4 (XXXIV) of 10 September 1981, the Sub-Commission decided to include in the provisional agenda of its thirty-fifth session a new item, entitled "The effects of gross violations of human rights on international peace and security". At its thirty-seventh session, the Sub-Commission decided, in its resolution 1984/30, to consider the item as a sub-item, entitled "Gross violations of human rights and international peace".

198. At its thirty-eighth session, the Sub-Commission, by its resolution 1985/1, decided that this item of its agenda should be expressed as follows: "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life". By its resolution 1985/34, the Sub-Commission decided that the item would be considered on a biennial basis, starting from its thirty-ninth session.

199. At its forty-first session, the Sub-Commission, by resolution 1989/47, invited Mr. Murlidhar Bhandare to prepare a working paper on the interrelationship between international peace and the effective materialization of all human rights, particularly of the rights to life and to development.

200. At its forty-third session, the Sub-Commission had before it the working paper of Mr. Bhandare (E/CN.4/Sub.2/1991/32 and Corr.1). By its

decision 1991/106, the Sub-Commission decided to suspend the debate on the agenda item and to include the item in the provisional agenda of its forty-fourth session.

201. At its forty-fourth session, the Sub-Commission, by its resolution 1992/7, requested Mr. Bhandare to supplement his working paper and to present a further document to the Sub-Commission at its forty-sixth session.

202. At the present session, the Commission will have before it the working paper prepared by Mr. Bhandare (E/CN.4/Sub.2/1994/29).

Item 15. Discrimination against indigenous peoples

Working Group on Indigenous Populations

203. The creation of the Working Group on Indigenous Populations was authorized by the Economic and Social Council in its resolution 1982/34 which authorized the Sub-Commission to establish annually a working group to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

204. The Working Group on Indigenous Populations held 11 sessions prior to 1993. It submitted detailed reports (E/CN.4/Sub.2/1982/33, E/CN.4/Sub.2/1983/22, E/CN.4/Sub.2/1984/20, E/CN.4/Sub.2/1985/22 and Add.1, E/CN.4/Sub.2/1987/22 and Add.2, E/CN.4/Sub.2/1988/24 and Add.1, E/CN.4/Sub.2/1989/36, E/CN.4/Sub.2/1990/42, E/CN.4/Sub.2/1991/40 and Rev.1, E/CN.4/Sub.2/1992/33, E/CN.4/Sub.2/1993/29 and Add.1-2) to the Sub-Commission. These reports were also made available to the Commission.

205. At the present session, the Sub-Commission will have before it the report of the Working Group on its twelfth session (E/CN.4/Sub.2/1994/30).

Draft universal declaration on indigenous rights

206. In its resolution 1985/22, the Sub-Commission endorsed the plan of action adopted by the Working Group for its future work, contained in annex I of its report on its fourth session (E/CN.4/Sub.2/1985/22), as well as its decision to emphasize in its forthcoming sessions the part of its mandate relating to standard-setting activities, with the aim of producing, in due course, a draft declaration on indigenous rights which might be proclaimed by the General Assembly.

207. In its resolution 1993/46, the Sub-Commission, at its forty-fifth session, expressed its satisfaction at the conclusion of the deliberations on the draft declaration on the rights of indigenous peoples by the Working Group and postponed consideration of the draft declaration until its forty-sixth session. It also requested the Secretary-General to submit the draft declaration to the appropriate services within the Centre for Human Rights for its technical review. The technical review prepared by the Centre is available in document E/CN.4/Sub.2/1994/2 and the draft declaration as agreed upon by members of the Working Group is contained in the addendum to the document.

208. In its resolution 1994/29 of 4 March 1994, the Commission on Human Rights endorsed the recommendations referred to above and urged the Sub-Commission to complete its consideration of the draft declaration and submit the text, together with any recommendations, to it at its fifty-first session.

Ownership and control of cultural property of indigenous peoples

209. At its forty-second session, the Sub-Commission, in resolution 1990/25, entrusted Ms. Erica-Irene A. Daes with the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples for submission to the Working Group on Indigenous Populations at its ninth session, and requested all organs and organizations of the United Nations system with relevant expertise to provide Ms. Daes with the information and assistance she might require for the completion of that task.

210. At its forty-third session, the Sub-Commission had before it the working paper prepared by Mrs. Daes (E/CN.4/Sub.2/1991/34). In its resolution 1991/32, the Sub-Commission decided to entrust Mrs. Daes with the further task of preparing, for submission at its forty-fifth session in 1993, a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples. By Commission decision 1992/114 and Economic and Social Council decision 1992/256, Mrs. Daes was appointed Special Rapporteur to prepare a study on this issue.

211. At its forty-fourth session, the Sub-Commission, in resolution 1992/35, requested the Special Rapporteur to include in her study, inter alia, a comprehensive analysis of the laws and traditions of indigenous peoples with respect to the definition, ownership and control of cultural property, and preliminary views on the feasibility of developing a United Nations manual of indigenous laws in that field. The Sub-Commission recommended that the Special Rapporteur also include a consideration of the relationship between indigenous cultural and intellectual property, as well as recommendations for further research and action on intellectual property, and that the title of the study should be revised to "Protection of the cultural and intellectual property of indigenous peoples".

212. At its forty-fifth session, the Sub-Commission had before it the report prepared by Mrs. Erica-Irene Daes (E/CN.4/Sub.2/1993/28). In its resolution 1993/44, the Sub-Commission endorsed the conclusions and recommendations contained in the report, and requested the Special Rapporteur

to expand her study with a view to elaborating draft principles and guidelines for the protection of the heritage of indigenous peoples and to submit a report to the Sub-Commission at its forty-sixth session.

213. At the present session, the Sub-Commission will have before it the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1994/31).

Study on the significance of treaties, agreements and other constructive arrangements

214. In its resolution 1987/17, the Sub-Commission recommended the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur with the mandate of preparing a study on the treaties concluded between indigenous peoples and States in all parts of the word with regard to the contemporary significance of such treaties for all parties concerned. In the same resolution, the Sub-Commission requested Mr. Alfonso Martínez to prepare a document analysing the general outline of such a study and the juridical, bibliographical and other information sources on which such a study should be based, and to submit the document to the Sub-Commission for consideration at its fortieth session.

215. In accordance with a recommendation made by the Commission in its resolution 1988/56, the Economic and Social Council, in decision 1988/134, authorized the appointment of Mr. Alfonso Martínez as Special Rapporteur of the Sub-Commission with the mandate of preparing an outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments for the purpose of ensuring the promotion and protection of the human rights and fundamental freedoms of indigenous populations. Furthermore, the Special Rapporteur was requested to give particular attention to certain guidelines promulgated in the Council resolution and to submit the outline to the Sub-Commission for consideration by the Working Group on Indigenous Populations at its sixth session.

216. In its resolution 1988/20, the Sub-Commission endorsed the outline of the study prepared by the Special Rapporteur. The Economic and Social Council, on the basis of recommendations by the Sub-Commission (resolution 1988/20) and the Commission (resolution 1989/4), adopted resolution 1989/77, in which it confirmed the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Sub-Commission authorized to carry out the study, and requested the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

217. At its forty-second session, in resolution 1990/28, the Sub-Commission requested the Special Rapporteur to submit a preliminary report on his study to the Working Group and the Sub-Commission. The preliminary report (E/CN.4/Sub.2/1991/33) was submitted to the Sub-Commission at its forty-third session.

218. At its forty-fourth session, the Sub-Commission had before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1992/32).

219. By its decision 1992/110, the Sub-Commission requested the Special Rapporteur to submit a second progress report on the study to the

Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session. This decision was endorsed by the Commission in its decision 1993/105.

220. At the present session, the Sub-Commission will have before it the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1994/32).

International Decade of the World's Indigenous People

221. The General Assembly, at its forty-eighth session, in resolution 48/163, of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994, with the period 1 January to 9 December 1994 to be set aside for planning for the Decade in partnership with indigenous people. The General Assembly also requested the Commission on Human Rights, at its fiftieth session, to invite the Working Group on Indigenous Populations to identify a date every year that might be observed as the International Day of Indigenous People; in the same resolution the Working Group was requested to identify possible programmes and projects in connection with the Decade and to submit them through the Sub-Commission to the Commission on Human Rights for its consideration.

222. The Commission on Human Rights, at its fiftieth session, in its resolution 1994/26, of 4 March 1994, reiterated the recommendations and requests made in General Assembly resolution 48/163. The suggestions relating to the International Day and the programme for the Decade are contained in the report of the Working Group on its twelfth session (E/CN.4/Sub.2/1994/30).

Permanent forum for indigenous people

223. In its resolution 48/163, the General Assembly requested the Commission on Human Rights at its fiftieth session to give priority consideration to the establishment of a permanent forum for indigenous people in the United Nations system. In its resolution 1994/28 of 4 March 1994, the Commission on Human Rights requested the Working Group on Indigenous Populations to consider the question and submit its suggestions, through the Sub-Commission, to the Commission at its fifty-first session. The suggestions made by the Working Group are contained in its report (E/CN.4/Sub.2/1994/30).

United Nations Voluntary Fund for Indigenous Populations

224. As recommended by the Sub-Commission in its resolution 1984/35 C, the Commission in its resolution 1985/29 and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The Voluntary Fund is administered by the Secretary-General with the advice of a five-member Board of Trustees. The Board of Trustees held its sixth session from 25 to 29 April 1994.

Transnational corporations

225. In its resolution 1990/26, the Sub-Commission welcomed the assistance provided by the Centre on Transnational corporations, in accordance with its resolution 1989/35, in compiling information on investments and operations on the lands of indigenous peoples, and encouraged wide participation in the study. At its forty-sixth session, the Sub-Commission will have before it the fourth and final part of the study (E/CN.4/Sub.2/1994/40).

Item 16. Contemporary forms of slavery

Activities of the Working Group on Contemporary Forms of Slavery

226. In its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

227. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery by its resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery should be changed to "Working Group on Contemporary Forms of Slavery".

228. At each session, the Working Group reviews information received on the status and the implementation of conventions on slavery and slavery-like practices, reviews developments in other fields of contemporary forms of slavery and considers the recommendations adopted at previous sessions. In its resolution 1989/41, the Sub-Commission decided to consider those matters in subsequent sessions under the agenda item "Contemporary forms of slavery".

229. At its forty-fifth session, in resolution 1993/7, the Sub-Commission recommended to the Commission to create for a period of three years a working group on contemporary forms of slavery, composed of five independent experts with relevant experience in the field of human rights and contemporary forms of slavery in particular, with the task of monitoring the application of the Conventions on slavery through the examination of the information it receives; to decide that the Working Group, in carrying out its mandate, should seek and receive information from Governments, intergovernmental and non-governmental

organizations and individuals; and to invite the Working Group to take account, in fulfilling its mandate, of the need to carry out its task with discretion, objectivity and independence.

230. The Commission, at its fiftieth session, in resolution 1994/25, invited the Sub-Commission at its forty-sixth session to clarify its position on the Working Group on Contemporary Forms of Slavery and to review its resolution 1993/7 in the light of the current mandate of the existing Working Group, of the need for avoiding duplication of effort, and of other possible options for establishing an effective mechanism for the implementation of the Conventions on slavery, taking into account the observations contained in the study prepared by the Secretary-General on this issue (E/CN.4/Sub.2/1989/37) and also taking into account any observations the Working Group might have. The Commission also invited the Sub-Commission to submit to the Commission at its fifty-first session its recommendation(s) for establishing an effective mechanism for the implementation of the Conventions on slavery in order to enable the Commission to take a well-considered decision on the matter; further invited the Sub-Commission to consider strengthening its involvement in the activities of the existing Working Group on Contemporary Forms of Slavery as an alternative to establishing a new mechanism for the implementation of the Conventions on slavery; and recommended that the Sub-Commission consider the possibility of giving guidelines to the Working Group for setting priorities in the field of its activities.

231. At the present session, the Sub-Commission will have before it the report of the Working Group on Contemporary Forms of Slavery on its nineteenth session (E/CN.4/Sub.2/1994/33), which was held from 25 April to 4 May 1994 at Geneva, and a note by the Secretary-General (E/CN.4/Sub.2/1994/34).

Sale of children, child prostitution and child pornography

232. In its resolution 1992/74, the Commission, at its forty-eighth session, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography submitted by the Sub-Commission. The Commission requested all States to inform periodically the Sub-Commission of measures adopted to implement the Programme of Action and on the efficacy of such measures, and requested the Sub-Commission to submit every two years a report to the Commission on the state of implementation of the Programme of Action by all States.

Exploitation of child labour and debt bondage

233. At its forty-ninth session, the Commission, in resolution 1993/79, adopted the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Sub-Commission and requested all States periodically to report to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures. The Sub-Commission was requested to submit to the Commission every two years a progress report on the implementation of the Programme of Action by all States. The Commission decided to consider the question of the implementation of the Programme of Action every two years in order to evaluate the progress made in eliminating the exploitation of child labour.

234. In its resolution 1993/5, the Sub-Commission, at its forty-fifth session, requested the Working Group on Contemporary Forms of Slavery to examine the state of the implementation of the Programme of Action at its nineteenth session and to transmit, through the Sub-Commission, a report thereon to the Commission at its fiftieth session.

235. At the present session, the Sub-Commission will have before it the report of the Working Group (E/CN.4/Sub.2/1994/34) pursuant to Sub-Commission resolution 1993/5.

236. By its decision 1993/112, the Commission authorized the Sub-Commission to consider the possibility of appointing a special rapporteur to update the report of the Special Rapporteur on the exploitation of child labour, Mr. Abdelwahab Boudiba (E/CN.4/Sub.2/479), submitted to the Sub-Commission at its thirty-fourth session, and to extend that study to the problem of debt bondage.

237. At its forty-fifth session, the Sub-Commission decided, in its resolution 1993/5, to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur to update the report of Mr. Boudiba and to extend the study to the problem of debt bondage.

238. At its fiftieth session, the Commission on Human Rights decided, by its decision 1994/103, to request the Sub-Commission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned study. The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission at its fifty-first session.

Slavery and slave-like practices during wartime

239. At its forty-fifth session, the Sub-Commission, in its resolution 1993/24, decided to entrust Mrs. Linda Chavez, as Special Rapporteur, with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slave-like practices during wartime including, in particular internal armed conflict. It requested the Special Rapporteur to submit her preliminary report to the Sub-Commission at its forty-sixth session and her final report at its forty-seventh session.

240. At its fiftieth session, the Commission, by its decision 1994/103, requested the Sub-Commission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned study. The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission at its fifty-first session.

Prevention of traffic in persons and the exploitation of the prostitution of others

241. At its forty-eighth session, the Commission on Human Rights, in its resolution 1992/36, endorsed the views expressed by the Sub-Commission in its

resolution 1991/37 on it being desirable to launch concerted action to combat traffic in persons and the exploitation of the prostitution of others and decided to transmit the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, drawn up by the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1991/41, annex I), to Governments, specialized agencies and intergovernmental and non-governmental organizations for their comments. The Commission also decided to examine, at its forty-ninth session, the draft programme of action and the report of the Secretary-General containing a summary of the comments received.

242. At its forty-ninth and fiftieth sessions, the Commission had before it the report of the Secretary-General (E/CN.4/1993/58 and Add.1 and E/CN.4/1994/71 and Add.1) containing a summary of the comments received. No action was taken by the Commission at its forty-ninth and fiftieth sessions with regard to the draft programme of action and the comments contained in the above-mentioned reports.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

243. In its resolution 46/122 of 17 December 1991, the General Assembly, at its forty-sixth session, decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairman of the Sub-Commission and with due regard to equitable geographical distribution.

244. The following five members are currently on the Board of Trustees for a three-year term of office expiring on 31 December 1995: Mr. Cheik Saad-Bouh Kamara (Africa), Mr. Swami Agnivesh (Asia), Mr. Michel Bonnet (Western Europe), Ms. Tatiana Matveeva (Eastern Europe) and Ms. Eugenia Zamora Chavarría (Latin America).

245. With regard to the issues under this item, the Sub-Commission may also wish to note the following resolutions adopted by the Commission at its fiftieth session:

1994/24 United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

1994/90 Need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography

1994/91 Implementation of the Convention on the Rights of the Child

1994/92 Special Rapporteur on the sale of children, child prostitution and child pornography

1994/93 The plight of street children

1994/94 Effects of armed conflicts on children's lives.

246. The attention of the Sub-Commission is also drawn to the following resolutions adopted by the General Assembly at its forty-eighth session:

48/136 Plight of street children

48/156 Need to adopt efficient international measures for the prevention of the sale of children, child prostitution and child pornography

48/157 Protection of children affected by armed conflicts.

Item 17. Promotion, protection and restoration of human rights at national, regional and international levels

Sub-item (a) Prevention of discrimination and protection of children: human rights and youth

247. At its thirty-seventh session, the Sub-Commission decided to include in its provisional agenda for the thirty-eighth session a sub-item entitled "Prevention of discrimination and protection of children".

248. With regard to the issues under this sub-item, the attention of the Sub-Commission is drawn to the resolutions adopted by the Commission and the General Assembly mentioned above (paras. 244-245).

Sub-item (b) Prevention of discrimination and protection of women

249. At its thirty-seventh session, the Sub-Commission decided to include in its provisional agenda a sub-item on the prevention of discrimination and protection of women.

250. In its resolution 1987/26, the Sub-Commission requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

251. At its forty-fourth session, the Sub-Commission, in resolution 1992/4, reaffirmed that women's rights were recognized as inalienable human rights and that they should be treated as such in all United Nations bodies, including the Commission on Human Rights. The Sub-Commission recommended that the

forthcoming World Conference on Human Rights give priority to the question of discrimination affecting women and their status, both in its agenda and in the documentation prepared for the World Conference. The Sub-Commission also recommended that information on the equality and empowerment of women, and their access to equality in education, work, health and literacy, be included in States' reports to all human rights monitoring bodies and not only to the Committee on the Elimination of Discrimination against Women. The Secretary-General reported on the implementation of resolution 1992/4 to the Sub-Commission at its forty-fifth session (E/CN.4/Sub.2/1993/33).

252. At its forty-ninth session, the Commission adopted resolution 1993/46, entitled "Integrating the rights of women into human rights mechanisms of the United Nations", in which the Commission, inter alia, requested all special rapporteurs and working groups of the Commission and the Sub-Commission, in the discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations affecting women. The Commission decided to consider the appointment of a special rapporteur on violence against women at its fiftieth session.

253. At its fiftieth session, the Commission adopted resolution 1994/45, in which it decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences, who would report to the Commission on an annual basis beginning at its fifty-first session. Subsequently, the Chairman of the Commission appointed Ms. Radhika Coomaraswamy (Sri Lanka) as the Special Rapporteur.

254. In the same resolution, the Commission noted that the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in 1995, might consider the question of means of integrating the human rights of women into the mainstream of United Nations system-wide activity.

255. In this connection, the attention of the Sub-Commission is also drawn to the Vienna Declaration and Programme of Action, in particular to its sixth and tenth preambular paragraph, part I, paragraph 18 and part II, paragraphs 36 to 44.

256. With regard to the issues under this item, the Sub-Commission may wish to note resolution 1994/77 of the Commission adopted at its fiftieth session entitled "Rape and abuse of women in the territory of the former Yugoslavia".

257. In discussing this sub-item, the Sub-Commission may also wish to take into account the following resolutions adopted by the General Assembly at its forty-eighth session:

48/104 Declaration on the Elimination of Violence against Women

48/105 International Research and Training Institute for the Advancement of Women

48/106 Improvement of the status of women in the Secretariat

48/107 United Nations Development Fund for Women

48/108 Implementation of the Nairobi Forward-looking Strategies for the Advancement of Women

48/109 Improvement of the situation of women in rural areas

48/110 Violence against women migrant workers

48/111 Merger of the International Research and Training Institute for the Advancement of Women and the United Nations Development Fund for Women

Sub-item (c). Human rights and disability

258. In its resolution 1984/20, the Sub-Commission decided to inscribe on the agenda of its thirty-eighth session an item entitled "Human rights and disability". In the same resolution, the Sub-Commission decided to appoint Mr. Leandro Despouy as Special Rapporteur to undertake the comprehensive study requested by the Economic and Social Council in its resolution 1984/26.

259. At its forty-third session, the Sub-Commission considered and approved the final report of the Special Rapporteur (E/CN.4/Sub.2/1991/31). The Sub-Commission adopted resolution 1991/19, in which, having expressed its satisfaction at the recommendations and proposals submitted to the Sub-Commission by the Special Rapporteur with a view to encouraging States and intergovernmental organizations to undertake concrete measures to guarantee to the disabled the full enjoyment of their human rights, it welcomed the recommendations contained in his final report, in particular those relating to the implementation of the human rights of disabled persons.

260. The Commission, in its resolution 1992/48, invited human rights treaty-monitoring bodies, notably the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons. In its resolutions 1993/29 and 1994/27, the Commission reiterated that invitation.

261. In its resolution 1992/48, the Commission requested the Secretary-General to issue the final report of the Special Rapporteur as a United Nations publication in all official languages. The final report was published as No. 6 in the Study Series under the title Human Rights and Disabled Persons (E.92.XIV.4).

262. With respect to the present item, the attention of the Sub-Commission is also drawn to General Assembly resolutions 47/3 of 14 October 1992, entitled "International Day of Disabled Persons", and 47/88 of 16 December 1992, entitled "Towards full integration of persons with disabilities into society: a continuing world programme of action". In its resolution 48/96 of 20 December 1993, the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and decided to appoint, within the framework of the Commission for Social Development, a special rapporteur to monitor their implementation (part IV, para. 2).

263. In addition, the Vienna Declaration and Programme of Action made specific reference to the rights of the disabled person (part I, para. 22 and part II B, sect. 6).

264. The Sub-Commission, at its forty-fifth session, adopted resolution 1993/22 by which it requested the Secretary-General to report to the Commission on Human Rights and to the Sub-Commission on the coordination endeavours, and their results, undertaken by the various United Nations organs and bodies concerned with the protection of disabled persons, for the purpose of envisaging the establishment of an effective mechanism for coordination and cooperation between the various organs and bodies.

265. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1994/35).

Item 18. Protection of minorities

266. The Sub-Commission, at its fortieth session, in resolution 1988/36, invited Ms. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities.

267. At its forty-first session, the Sub-Commission, in resolution 1989/44, having examined the working paper (E/CN.4/Sub.2/1989/43) prepared by Ms. Palley, decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience in the protection of minorities, and decided to consider those issues at its forty-second and future sessions under a separate agenda item. By decision 1990/105, the Commission on Human Rights endorsed the decision of the Sub-Commission to entrust Mr. Eide with the task of preparing a study.

268. At its forty-fifth session, having considered the final report submitted by Mr. Eide (E/CN.4/Sub.2/1993/34 and Add.1-4), the Sub-Commission adopted resolution 1993/43, in which it recommended to the Commission to study the proposal contained in recommendation 44 of the report aimed at the establishment of a working group on minority issues open to representatives of both Governments and minorities, and the mandate to be given to such a group; and to study and to give advice to the Centre for Human Rights concerning recommendations 46 and 47 of the report, in particular on ways in which the programme of technical assistance and advisory services could help in the prevention of group conflicts. The Sub-Commission entrusted Mr. Eide with the task of preparing a working paper containing suggestions for such a programme.

269. The Commission on Human Rights, in its resolution 1994/22, took note of the final report of Mr. Eide, urged the Sub-Commission to continue to give due regard, within its mandate, to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, and endorsed the decision to entrust Mr. Eide with preparing a working paper containing suggestions on the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities.

270. In this connection, the General Assembly, by its resolution 47/135, adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. In the same resolution, the General Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Sub-Commission, to give due regard to the Declaration within their mandates, and requested the Secretary-General to consider appropriate ways for the effective promotion of the Declaration and to make proposals thereon.

271. The attention of the Sub-Commission is also drawn to the recommendation in part II B, section 2 of the Vienna Declaration and Programme of Action.

272. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Eide (E/CN.4/Sub.2/1994/36).

Item 19. Freedom of movement

273. At its fortieth session, in resolution 1988/39, the Sub-Commission, having noted the report (E/CN.4/Sub.2/1988/35 and Add.1) on the right of everyone to leave any country, including his own, and to return to his country, prepared by Mr. C.L.C. Mubanga-Chipoya, and the draft declaration on this subject contained in annex I to the report, decided to consider this issue as a separate item of its agenda at its forty-first session.

274. At its forty-third session, the Sub-Commission had before it the revised version of the draft declaration (E/CN.4/Sub.2/1991/44) and the report of the sessional Working Group (E/CN.4/Sub.2/1991/45). By its decision 1991/114, the Sub-Commission decided to transmit to the Commission the report of the 1991 session of the Working Group, inviting the Commission to provide comments and guidance on the issues mentioned in the report.

275. No action was taken by the Commission at its forty-eighth session.

276. At its forty-fourth session, the Sub-Commission, by its decision 1992/112, decided to include in the provisional agenda of its forty-fifth session an item, provisionally entitled "Freedom of movement".

Sub-item (a) Situation of migrant workers and members of their families

277. At its forty-fifth session, the Sub-Commission, by its resolution 1993/21, decided to include the situation of migrant workers and members of their families on the agenda of its forty-sixth session, as a sub-item of the item on freedom of movement.

Item 20. Implications of humanitarian activities for the enjoyment of human rights

278. At its forty-fifth session, the Sub-Commission decided, by its decision 1993/102, to include a new agenda item, entitled "Implications of humanitarian activities for the enjoyment of human rights". At the same session the Sub-Commission decided, in its resolution 1993/38, to recommend to the Commission on Human Rights to authorize the Sub-Commission to appoint

Ms. Claire Palley as special rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need further to develop international cooperation in the humanitarian field and the promotion and protection of human rights. It also requested her to submit a preliminary report at its forty-sixth session, a progress report at its forty-seventh session and her final report, if possible, at its forty-eighth session.

279. At its fiftieth session, the Commission, by its decision 1994/103, requested the Sub-Commission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned report. The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission at its fifty-first session.

280. At its present session, the Sub-Commission will have before it the document prepared by Ms. Palley (E/CN.4/Sub.2/1994/39).

Item 21. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-sixth session of the Sub-Commission

281. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

282. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the forty-sixth session, a note containing a draft provisional agenda for the forty-seventh session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/1994/L.1).

Item 22. Adoption of the report on the forty-sixth session

283. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session. In this connection, the Sub-Commission may wish to take account of the revised guidelines for the format and contents of the report of functional commissions and standing committees of the Economic and Social Council (E/1979/94) approved by the Council in its resolution 1979/69. This resolution and the revised guidelines are available for consultation in the secretariat.

Annex

MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Mr. Miguel Alfonso Martínez	(Cuba)
*Ms. Marianela Ferriol Echevarría	
Ms. Judith Sefi Attah	(Nigeria)
*Mrs. Christy Ezim Mbonu	
Mr. José Bengoa	(Chile)
*Mr. Mario Ibarra	
Mr. Marc Bossuyt	(Belgium)
*Mr. Guy Genot	
Mr. Volodymyr Boutkevitch	(Ukraine)
*Mr. Olexandre Kouptchichine	
Ms. Linda Chavez	(United States of America)
Mr. Stanislav V. Chernichenko	(Russian Federation)
*Mr. Teimuraz O. Ramishvili	
Ms. Erica-Irene A. Daes	(Greece)
*Mrs. Kalliopi Koufa	
Mr. Asbjørn Eide	(Norway)
*Mr. Jan Helgesen	
Mr. Osman El-Hajje	(Lebanon)
Mrs. Clemencia Forero Ucros	(Colombia)
*Mr. Jorge Orlando Melo	
Mr. El Hadji Guissé	(Senegal)
*Mr. Ndary Toure	
Mrs. Lucy Gwanmesia	(Cameroon)
*Mr. Pierre Sob	
Mr. Muksum-Ul-Hakim	(Bangladesh)
*Mr. Toffazzal Hossain Khan	
Mr. Ribot Hatano	(Japan)
*Mr. Yozo Yokota	

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* Alternate

Mr. Miquel Limón Rojas	(Mexico)
*Mr. Héctor Fix Zamudio	
Mr. Louis Joinet	(France)
*Mr. Emmanuel Decaux	
Mr. Ahmad Khalifa	(Egypt)
*Mr. Ahmed Khalil	
Mr. José Augusto Lindgren Alves	(Brazil)
*Ms. Marília S. Zelner Conçalves	
Mr. Ioan Maxim	(Romania)
*Mr. Petru Pavel Gavrilescu	
Ms. Claire Palley	(United Kingdom of Great Britain and Northern Ireland)
*Mr. John Merrills	
Mr. Said Naceur Ramadhane	(Tunisia)
*Mr. Abdelfettah Amor	
Mr. Mohamed Sardar Ali Khan	(India)
Mr. Fan Guoxiang	(China)
*Mr. Zhong Shukong	
Ms. Halima Embarek Warzazi	(Morocco)
*Mr. Mohamed Benkaddour	
Mr. Fisseha Yimer	(Ethiopia)

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